

REMARKS

The drawings were objected to as allegedly not showing every feature of the invention specified in the claims. In particular, it was alleged that the terms “storage region” and “steam turbine” were not shown. Applicant cannot agree. As the Abstract points out the storage region is identified with numeral 3 and the steam turbine is identified with numeral 29, both of which are found in Fig. 1. Applicant therefore requests withdrawal of the objection.

Claims 13 and 15 were rejected under 35 USC 112 first and second paragraphs. While the applicant does not agree with these rejections, in order to expedite prosecution of the subject application, claims 13 and 15 are canceled with the right to pursue them in continuing applications. Therefore, the rejection is now moot.

Claims 1-15 were rejected as being obvious in view of US 6,622,470 to Viteri in view of CA 2,465,384 to Ooka alone or in further combination with US 5,724,805 to Golomb. Claim 16 was rejected as being obvious in view of Ooka and Golomb. As an initial matter, claims 13-16 have been canceled with the right to pursue them in continuing applications and therefore, those rejections are now moot. With respect to the rejection of the presently pending claims 1-12, Applicant respectfully traverses.

In rejecting claims 1-12, the Examiner’s rationale is that the combination of the combined cycle power plant as disclosed by Fig. 1 of Viteri and the reduced emissions cycle power plant of Fig. 1 as disclosed by Ooka would simply “yield predictable results”. The Examiner, however, appears to overlook the fact that Viteri teaches away from the proposed combination. Viteri teaches a prior art system, where air is fed to a compressor that increases the pressure of the air, which is then fed to a combustor,

where the air is combusted with a fuel, the exhaust of which is passed to a turbine. The exhaust of the turbine is passed to a heat recovery steam generator where the exhaust of the heat recovery system is simply released to the surrounding environment. To improve that system, Viteri proposes the system shown in Fig. 2. The system shown in Viteri is similar to that shown in Fig. 1 of Ooka. Viteri's Fig. 2 is an alleged improvement to the system shown in Fig. 1 of Viteri and, importantly, Viteri teaches that Fig. 1 system and Fig. 2 system should not be combined, but rather that Fig. 1 system should be modified to provide the Fig. 2 system. As such, Viteri teaches away from the claimed method that combines a first mode and a second mode.

Put another way, in view of Viteri's teaching of modifying the Fig. 1 system in the manner shown in Fig. 2, one of skill in the art would have understood that Viteri taught away from the proposed combination. Accordingly, Applicant asserts that a *prima facie* case of obviousness has not been established. Applicant requests withdrawal of the rejection.

It is believed that all the claims are in condition to be allowed. The Examiner is invited to contact the undersigned attorney for the Applicant via telephone at (312) 321-4276 if such communication would expedite allowance of this application.

Respectfully submitted,

/G. Peter Nichols/
G. Peter Nichols
Registration No. 34,401
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200